

Remarks:

Claims 1-18 are pending in this application. Independent claims 1 and 7 have been amended to more clearly define the invention. Dependent claims 15-18 have been added. No new matter has been added.

As an initial matter, Applicants thank the Examiner for the indication that claims 13 and 14 are allowed.

The Office Action rejects claims 1 and 7 under 35 U.S.C. § 102(b) as being anticipated by PCT International Publication No. WO 99/08380 to Blum *et al.* (hereinafter *Blum*). The Office Action rejects claims 2-6 and 8-12 under 35 U.S.C. § 103(a) as being unpatentable over *Blum* in view of US Patent No. 5,794,187 to Franklin *et al.* (hereinafter *Franklin*). The Office Action objects to claim 14 as being dependent on a rejected base claim, but allowable if rewritten in independent form. The Office Action objects to the drawings filed on June 14, 2000.

Objections to Claims

Applicants respectfully submit that as claim 14 depends from allowable claim 13, the objection to claim 14, as set forth on paragraph 1 of the Office Action is moot. Applicants put forward that the objection to claim 14 was, perhaps, a typographical error. Applicants respectfully request withdrawal of the objection to claim 14.

Objections to Drawings

The drawings filed on June 14, 2000 were objected to by the Examiner. New formal drawings correcting all objections raised on the Notice of Draftsperson's Patent Drawing Review (attached to Paper No. 5) are attached hereto. Accordingly, Applicants respectfully request withdrawal of all objections to the drawings.

Rejections to Claims

Independent claims 1 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by *Blum*. *Blum*, however, does not disclose at least:

a decoder for decoding a signal comprised of at least two separate tracks, wherein the at least two separate tracks comprise:

a first track comprised of a preferred audio signal, and
a second track comprised of a remaining audio signal
as recited in independent claim 1 and as similarly recited in independent claim 7.

Blum relates to a system and method for separating a voice band audio component from a background audio component of a signal. *See Blum* at 6 (discussing Fig. 1) (“The incoming audio signal 1 is split such that the same signal goes to a voice band pass filter 2 and to a variable gain amplifier 3.”) (emphasis added); *id.* (similar methodology with respect to embodiment of Fig. 2); *id.* at 7-8 (discussing analog filtering to isolate the voice band component of the audio signal from the entirety of the audio signal as used in embodiment of Fig. 3); *id.* at 9 (discussing digital filtering to subdivide a voice band limited signal from the entirety of the audio signal as in the embodiment of Fig. 4).

The Office Action relies on Fig. 5 in support of its rejection of claims 1 and 7. Fig. 5, however, does not represent ““a decoder for decoding an audio signal and separating said audio signal into a voice signal and a background signal”” as asserted by the Office Action. Office Action at ¶ 2. Instead, *Blum*’s Fig. 5 “illustrates the use of a band stop filter to create a background audio signal” from a signal which is comprised of both background audio and voice band frequencies. *See Blum* at 9. Accordingly, as *Blum* does not disclose each of the elements of independent claim 1 or independent claim 7, Applicants respectfully request withdrawal of the 35 U.S.C. § 102(b) rejections of those claims.

The Office Action rejects dependent claims 2-6 and 8-12 under 35 U.S.C. 103(a) as being unpatentable over *Blum* in view of *Franklin*. As discussed above, *Blum* does not teach or suggest all of the elements of independent claims 1 or independent claim 7. Claims 2-6 and 8-12 depend from independent claims 1 and 7, respectively. Accordingly, *Blum* does not teach or suggest all of the limitations of dependent claims 2-6 and 8-12. Furthermore, *Franklin* does not remedy the deficiencies of *Blum*.

Franklin relates to “a method and apparatus for enhancing the effective signal to noise ratio of hearing assistive devices and other communication systems utilized in noisy environments without the loss of spectral information.” *Franklin* at col. 1:10-14. Accordingly, as neither *Franklin* alone or in combination with *Blum* teach or suggest each of the elements of dependent claims 2-6 and 8-12, Applicants respectfully request withdrawal of the 35 U.S.C.

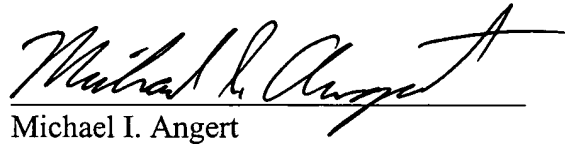
103(a) rejections of those claims.

The claims are allowable for the reasons set forth above. A Notice to that effect is respectfully requested.

The Office is hereby authorized to charge all required fees or credit any overpayments to Deposit Account 11-0600.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,



Michael I. Angert
Reg. No. 46,522

Date: March 3, 2004

Kenyon & Kenyon
1500 K Street, NW, Suite 700
Washington, D.C. 20005-1257
Tel: (202) 220-4393
Fax: (202) 220-4201

Attachments (Formal Drawings, FIGS. 1-12, 7 sheets)